APPENDED DEPOSITION TRANSCRIPT OF IGOR ROMANOV DATED JANUARY 9, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BERTRAM HIRSCH and IGOR ROMANOV, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

CITIBANK, N.A,

Defendants.

Case No. 12-cv-1123(DAB)(JCL)

DEPOSITION OF:

IGOR ROMANOV
THURSDAY, JANUARY 9, 2014
12:00 P.M.

Reported by: GINA M. CLOUD
CSR No. 6315

Deposition of IGOR ROMANOV, the witness, taken on behalf of the Plaintiffs, on Thursday, January 9, 2014, 12:00 P.M. at 2029 Century Park East, 16th Floor, Los Angeles, California 90067, before GINA M. CLOUD, CSR No. 6315, pursuant to NOTICE.

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ALSO PRESENT:
SOSEH KEVORKIAN, Videographer

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LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 9, 2014
12:00 P.M.

THE VIDEOGRAPHER: Good afternoon, we're on 12:02:09 the record at 12:03 p.m. on January 9, 2014. This is the video recorded deposition of Igor Romanov. My name is Soseh Kevorkian here with our court reporter Gina Cloud. We're here from Veritext Legal Solutions at the request of counsel for plaintiff. 12:04:38 This deposition is being held at 2029 Century Park East in Los Angeles, California. The caption of this case is Bertram Hirsch, et al. versus Citibank N.A, case number 12-cv-1124(DAB)(JCL).

At this time would counsel and all present 12:05:06 please identify themselves for the record.

MR. KELLY: My name is James Kelly, counsel for plaintiffs.

MS. PONEK: Shannon Ponek, counsel for defendant. 12:05:17

IGOR ROMANOV,
having been first duly sworn, was
examined and testified as follows:

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EXAMINATION

BY MR. KELLY:

Q. Good afternoon, Mr. Romanov.

A. Good afternoon. 12:05:38

Q. I'm here to take your deposition. We're going to go maybe about 15, 20 minutes with some questions and then Citibank's counsel will ask you some questions.

A. Okay. 12:05:53

Q. Can you state your name and address for the record?

A. My name is Igor Romanov and my current address at the time case opened, 330 South Reeves Drive, unit 203 in Beverly Hills, California 90212. 12:06:05

Q. Can you state for the record when you opened up your accounts at Citibank?

A. I don't remember the date, but couple of years ago it was opened. Couple of years ago. It's a Citibank branch where my friend lives in Marina Del 12:06:27 Rey.

Q. Can you state for the record how the process went when you opened up your account at Citibank?

A. Yes, my friend called me and he said since 12:06:39

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you've been gold member, some kind of privilege member in Citibank, you open an account and you receive bonus miles for opening account, checking account. You have to deposit certain amount, $25,000 or $50,000, certain amount of money, you would get 12:06:57 after you make several transaction using your ATM card you would get certain amount of bonus miles, and he told me this is good and convenient and nice based on interest on money you deposited, and I told him I would do the same. He took me to the branch and he 12:07:13 met with gentleman Zubair.

He was the one taking care of my friend's account because he lived right behind his branch and he said you're welcome as well, because they had me in the system, for some reason I had some banking 12:07:28 relationship with Citibank in the past and at that time, I didn't currently have a CD with Citibank as well and we opened, I was told I would get the same thing as my friend did and he just mentioned would he open to my friend Igor Romanov as did you. 12:07:45

By the way, my friend is available, I have his phone number, he still lives there and he can be called or contacted, no problem at any time.

Q. What's his name?

A. Zach Katz, last name K-a -- his son is Glen 12:07:56

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and he was the one who contacted you, but he is available at any time. I just spoke to him this morning.

Q. What Citibank branch was that?

A. It's in Marina Del Rey branch in shopping 12:08:13 center right in middle of shopping center is the Citibank branch, and the reason I visited my friend, and is he live right behind, so we walked and he introduced me to Mr. Zubair and he is like a private banker, manager, I don't know. He was on the 12:08:27 right-hand side on the table, like different position and he opened it for me and that was it.

After that I received my bonus miles in certain amount of time and doing certain amount of transaction like they requested. I used my ATM card, 12:08:45 I got my miles, and beginning of the year I received 1099 for $1,000, and at that time, I usually around this time I receive the forms from different bank where I was interest earned because I had several CD in different bank institution, and I know for sure I 12:09:04 didn't earn that much interest in Citibank because I didn't have a CD and I called, contact the branch and said maybe it's a mistake of some kind. I never received $1,000, what is this for, and he told me they don't know, they contact me. I spoke to a 12:09:19

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couple times the branch and I spoke to my accountant -- no, I called to Citibank, 1 (800) general office, and I was told I've got this thousand dollars form, IRS form to pay taxes for the mileage I received. I said what does it have to do with that, 12:09:37 I really got confused because I didn't understand even the nature of this form because for fact I did not receive $1,000.

I called to my accountant and I told him since -- we calculated like your miles bonus you 12:09:51 received opening account equivalent to $1,000. I said what is the rate then for miles, so I was trying to pay taxes using my miles as well since I got miles, not dollars, so I said I want to pay IRS with the miles and they laugh at me, my accountant said 12:10:08 that's not acceptable, IRS does not take miles.

Then I called the branch and I said what is the rate for bank and miles, so I have several thousand miles with different airlines and they want exchange it for money -- 12:10:23

MS. PONEK: Can I just interrupt, this is beyond the scope of discovery at this point. We're in a very limited stage.

BY MR. KELLY:

Q. That's fine, what counsel is saying there 12:10:36

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was an order put into place by the magistrate judge that we wanted to limit the discovery at this point to just the account opening.

A. So we're done, okay, no problem.

Q. We'll move on. 12:10:52

A. Just ask me interrupt because I don't know what you want to hear, so I will tell you. I just tell you the best of my knowledge and best I can.

MR. KELLY: I would like to introduce as Plaintiff's Exhibit 36 a document Bates stamped 12:11:08 CITI-0000077 through CITI-0000078 titled Concierge Daily Transaction/Transmittal Report.

(The document referred to was marked by the reporter as Exhibit 36 for identification and is attached hereto). 12:11:45

BY MR. KELLY:

Q. If you could turn to the next page, Mr. Romanov. Do you see where you signed here the Citibank card? Was this the card that Mr. Zubair when you signed up to open your accounts presented 12:11:59 you for signature?

A. This is my signature obviously.

Q. Was this card that he presented you, do you recall this card being presented to you?

A. Since it's my signature I obviously signed 12:12:19

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this one, yes, this is my signature.

Q. When he presented you this card, did he explain to you that you were agreeing to certain terms and conditions with Citibank by signing this card? 12:12:32

A. No, I wasn't told anything like that, nothing at all. He said you have to sign it here, they gave me a receipt and that was end of story, and he said if you have any banking needs, feel free, come into this branch and I could help you because 12:12:45 I'm like private banker, I don't know how you call, but certain type of personal relationship with the clients, but I signed something and I was given like a receipt for my deposit. I wrote a check for whatever was the amount, 25 I think thousand dollars 12:13:00 or more and that's about it.

Q. Did he provide you any other documents?

A. No. He gave a receipt for my deposit and then he said you receive by mail like a statement.

MR. KELLY: I would like to enter 12:13:22 Plaintiff's Exhibit 37, which is a document Bates stamped CITI-0000155 through CITI-0000183.

(The document referred to was marked by the reporter as Exhibit 37 for identification and is attached hereto) 12:14:00

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BY MR. KELLY:

Q. Can you take a look at this document, Mr. Romanov.

A. Uh-huh.

Q. Do you recognize this document? 12:14:04

A. Not really.

Q. Did Mr. Zubair provide you this document when you opened up your account?

A. No. He only gave me a receipt for opening the account, writing my checks, and this is basically 12:14:18 my receipt, and he said you'll receive everything by mail. He just told me I have to use certain amount of time ATM card in order to qualify for the thing, and they want to have more business and bring new funds into the bank, and he said thank you for your 12:14:35 business and thank you for coming in, and that's about it, because my question was about the mileage and he told me that you receive miles after you use it, I don't remember five or six times during a month's period, something like that. I don't 12:14:47 remember, but that's what it was and that's about it.

MR. KELLY: I would like to introduce as Plaintiff's Exhibit 38 a document Bates stamped CITI-0000029 through CITI-0000076. It's titled Marketplace Addendum, California and Nevada 12:15:10

effective January 1, 2010.
(The document referred to was marked by the reporter as Exhibit 38 for identification and is attached hereto).
BY MR. KELLY: 12:15:35
Q. Do you recognize that document Mr. Romanov?
A. No.
Q. Did Mr. Zubair provide you that document when you opened up your account at Citibank?
A. No, I haven't got anything. 12:15:41
Q. Has Citibank ever provided you that document?
A. I can't recall that, no, because it was only specific discussion which I had with Mr. Zubair. I ask him is there any fee involved, something extra 12:15:55 fee because I opened -- the reason I opened an account is because my friend asked me, it would be nice, that's all, but I haven't got this one.
MR. KELLY: I would like to introduce as Plaintiff's Exhibit 39 a document Bates stamped 12:16:08 CITI-0000119 through CITI-0000132. It's titled Personal Banker Foundations Participant Guide, North American Consumer.
(The document referred to was marked by the reporter as Exhibit 39 for identification

and is attached hereto).
BY MR. KELLY:
Q. Mr. Romanov, can you take a look at this document and in particular turn to page 123. Do you see where it says "Customer Care Checklist"? 12:16:54
A. I have numbers on the pages.
Q. Do you see where it says "Customer Care Checklist" there?
A. Yes.
Q. Did Mr. Zubair provide this to you when you 12:17:10 opened up your account?
A. First time I see this paper, no.
Q. Did he explain and give to you a client manual as it says below there?
A. No, I haven't got anything besides the 12:17:26 receipt for the deposit I was given, and he is nice gentleman, he kindly explain me as far as fee and how many times do I use, and I usually don't use a lot of ATM card and he said you have to use it like shopping and this and that, and I asked him how to use it 12:17:43 because I have no experience with doing it.
I remember I deposit additional like thousand dollars just to have. He asked me to open this account and that account, and I guess it's benefit, he was an employee somehow and I said you 12:17:56

nice to me, I'll be more than happy to do if it doesn't cost me extra fees.
Q. Did Mr. Zubair ever explain to you that by opening up the accounts that you opened up at Citibank, that you were entering into an arbitration 12:18:15 agreement with Citibank?
A. No. I know for sure because I didn't even know what arbitration agreement means, just a lack of legal education probably. I don't know what it is, I never heard this. 12:18:31
Q. Did Mr. Zubair at the end or at any time during the sign up process ask you to meet with his manager at the branch?
A. No, I never met anybody else.
MR. KELLY: I'm done. We're done here. 12:18:46
MS. PONEK: Okay. Can we go off the record and get situated.
THE VIDEOGRAPHER: Going off the record at 12:18 p.m.
(Recess taken) 12:18:57
THE VIDEOGRAPHER: We're going back on the record at 12:21 p.m.
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///
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EXAMINATION

BY MS. PONEK:
Q. Mr. Romanov, I'm Shannon Ponek, counsel for Citibank in this action. 12:22:38
A. We met?
Q. Yes, we met earlier today before we started the deposition. I'm going to ask you some additional questions and I just want your honest answers. If you don't understand any of my 12:22:51 questions, please let me know and I'll try to rephrase them.
A. Thank you.
Q. I'm entitled to your best answer today so I don't want you to guess, but I am entitled to a best 12:23:02 estimate, so if I asked you what you estimate the length of this table to be, you could do that because you could see the table, right?
A. Right.
Q. But if I asked you to estimate the length 12:23:14 of my desk in my office, you wouldn't be able to do that because you've never seen it, correct?
A. Exactly.
Q. So I'm entitled to your best estimate but I don't want you to guess. Do you understand that? 12:23:24

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A. Okay, yes.
Q. Have you ever had your deposition taken before?
A. In this case or generally?
Q. Generally. 12:23:34
A. I think it was a deposition, I don't know the legal definition of deposition, but I met once, I got like a car accident and I spoke to insurance adjuster, but it was like 15 years ago, maybe 18 or something like that. I don't know if you call it 12:23:47 deposition or statement taken. I just don't want to get wrong.
Q. Sitting in a room like this with a court reporter?
A. Not with a camera or stuff like that, no. 12:23:56
Q. Like I said before I'm going to ask you questions. Give some time for your counsel to object if he has any objections and then you're going to answer them. If you need any break, let me know, and again, if you don't understand a 12:24:09 question --
A. Of course I'm ask you, thank you.
Q. Do you understand that your testimony given here today is under oath?
A. Yes. 12:24:17

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Q. And it's under the same penalties of perjury apply here in the same manner as if you were giving testimony in a court of law?
A. Yes.
Q. Have you taken any prescription or 12:24:27 nonprescription medication in the last 24 hours that would affect your memory?
A. No.
Q. I'm going to start with some background information. Did you attend any college or graduate 12:24:37 school?
A. Yes.
Q. What college did you attend?
A. Graduated pharmaceutical school in Soviet, but it was in Soviet Union. 12:24:48
Q. And what is the name of the school?
A. Pharmacy school.
Q. Is there a name for the actual school?
A. No, they call it pharmacy school. Like eight in city, pharmacy school, medical school, 12:25:02 wasn't named like it is here. It was only one.
Q. Did you receive any certificate or diploma at the pharmacy school?
A. I complete the school but physically I did not receive diploma because I left as a political 12:25:18

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refugee to United States was one of the reasons.
Q. Do you have any other special training?
A. No, no.
Q. Any other certifications or diplomas, other than what you would have received at the pharmacy 12:25:35 school?
A. No.
Q. Can you describe your employment history since you came to the United States?
A. Since I came, when I came, I worked in 12:25:44 pharmacy. I worked in the pharmacy back in San Diego where I came. After that I work and own a taxicab and taxicab company in Los Angeles, Bell Cab, and then since then I was working managing acupuncture office. I couldn't tell you exact dates because it 12:26:09 was way too long ago.
Q. Let's just go back for a minute. When did you come to the United States?
A. March of 1990.
Q. For about how long were you in a pharmacy, 12:26:23 working in a pharmacy after that?
A. Eight months -- less than a year. I believe so. I can't remember.
Q. Then you started doing your own taxicab after that? 12:26:41

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A. Right, I moved to Los Angeles and after that, I don't remember the dates, I couldn't tell you the dates.
Q. Approximately 1991?
A. Probably so. 12:26:47
Q. About how long did you do that?
A. Like I own it for about a year, but I worked there on and off, within a couple years probably.
Q. And then you started managing an acupuncture office? 12:27:03
A. Yes.
Q. And approximately when did you begin doing that?
A. Probably '93, '92, '93, I don't remember. I just give an approximate date. I could be wrong. It 12:27:10 could be '94. If you tell me '95, then I don't take it for granted.
Q. Are you still managing the acupuncture office?
A. No, no, no, it was until probably '98. 12:27:23 Since then I owned the business. I own the business for financial business.
Q. So starting 1998 you began owning your own financial --
A. Yes -- 12:27:40

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Q. What's the title of that business?
A. I was the president of the company.
Q. What is the name of the business that you own?
A. A-1 Financial. I don't own it anymore 12:27:46 because my partner passed away year and a half ago. It was dissolved and sold.
Q. So you were the president at A-1?
A. A, as in Anna-1, financial, which was closed like already like six years ago. 12:28:08
Q. So from approximately 1998 to approximately 2007 --
A. I would say 2006, 2005, something like that. Then I sold it and kept it as a finance company for different corporation. 12:28:26
Q. What were your responsibilities at the company, at A-1 Financial?
A. Run and developing the company, managing the opening multiple occasions, and I was in charge of general management I would say. 12:28:40
Q. As part of your duties, did you ever review contracts for the company?
A. For my company, did they review? Like lease contracts I saw, right. Leases basically. No contract because for that I use an attorney. 12:28:58

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Q. What exactly did A-1 financial do?
A. Lending and money -- miscellaneous financial services is what I got license for. Miscellaneous financial services like a bill pay, money transfer. We accept basically work as an agent of major company 12:29:14 like Western Union.
Q. So do you have your own individual customers that come into the office and ask for financial help?
A. Yes, kind of that, but I didn't deal with 12:29:30 customers directly because it was an employee who deal with that. Each office, which I used to own six of them, so they ran, a couple of people worked there. I didn't personally talk to customers.
Q. When the customers came in, and you were 12:29:50 offering them financial assistance, what were the general type of financial --
A. Loans.
Q. Let me finish asking my question before you go ahead and answer. Sometimes it's pretty easy to 12:30:10 know what my next question is going to be, but let me answer it so that the court reporter, she's taking down everything we say and if we're talking over each other, then she can't get what we're both saying at the same time, so let me finish a question 12:30:25

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and remember to give your counsel a moment to see if he wants to object and then answer. Okay?
A. Uh-huh.
Q. So you at A-1 Financial, you gave individual customers loans? 12:30:38
A. Yes.
Q. As part of the those transactions, did you have agreements with customers?
A. Of course.
Q. After owning A-1 Financial, what did you 12:30:52 do?
A. I own another after company lead to the sickness of my partner. I own similar type of company which own similar type of business which pay partial is sold like full five years ago, and last 12:31:08 branch I owned, I sold it, last year.
Q. So starting from 2005 until approximately last year, you owned a different type of financial company?
A. Yes, same type, but different corporation 12:31:22 because I own it solely.
Q. What's the name of the corporation?
A. American cash market, which I sold last year.
Q. Who did you sell it to? 12:31:40

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A. It was a human, it was a person.
Q. What is the person's name?
A. Vlad, V-l-a-d, and I can't remember his last name.
Can I ask you a question, how is related to 12:31:55 my Citibank?
Q. I'm just getting a general --
A. It's no problem, I don't know how the legal system work, I don't want to even discuss who I sold it for. I think it's a trade secret. I don't think 12:32:08 it's related to the case and I don't want to discuss it to disclose it, maybe he won't be even happy. Is that for me to tell you that, if it's okay? Unless it's mandatory. I just don't understand how the system work. 12:32:24
MS. KELLY: I'll object to that question.
BY MS. PONEK:
Q. If there is a problem with any of my questions --
A. Like certain question do I have right to 12:32:38 refuse to answer, like certain thing I don't want to discuss? Like I don't want to disclose name of the person who I sold it for and how much I sold it for and thing like that.
Q. That's fine, I'm not going to go into 12:32:49

detail there.
A. You can ask me, I don't want to discuss it.
MR. KELLY: You can state it's confidential. It's confidential.
BY MS. PONEK: 12:33:01
Q. And remember not to interrupt each other because the court reporter needs to take everything down.
So from 2005 to approximately 2012, you owned American Cash Market? 12:33:12
A. Yes.
Q. What type of business did American Cash handle?
A. Miscellaneous financial services.
Q. Similar to A-1? 12:33:24
A. Very similar, less service was provided.
Q. What do you mean by that?
A. It means I did not take bill payment for phone company, for instance or gas company or Department of Water and Power, and I raise the price 12:33:41 of money order, if you want to know. Used to be 90 cents, I sold it for $1 after that. That's what makes difference between A-1 Financial and American Cash Market.
Q. You stated earlier you don't recall when 12:34:10

you opened an account at Citibank; is that correct?
A. I don't remember what?
Q. That you don't recall the date that you opened your Citibank account?
A. Date, no, I do not recall the date at this 12:34:20 time, at this present moment.
Q. Was it approximately October 2010?
A. Yes, it was end of '10 probably.
Q. Do you know what types of accounts you opened at Citibank? 12:34:33
A. Savings and one account, one I don't know how you call it, I deposit thousand dollars to use to do certain amount of transactions.
Q. It was a checking account?
A. The one for 25, it was a savings account, 12:34:47 but the on one checking account they ask me to use ATM for. I opened two accounts. One for $1,000 and one for $25,000.
Q. And you opened your accounts in person --
A. Yes. 12:35:02
Q. -- at a -- let me finish the question.
A. I'm sorry, I apologize.
Q. You opened the account at the Marina Del Rey branch; is that correct?
A. Yes, that's correct. 12:35:11

Q. When you opened the account, was anybody with you?
A. Yes.
Q. Who was with you?
A. It was my friend, his name is Zach Katz. 12:35:31
Q. Do you know Zach Katz's address?
A. I don't remember his address, but I have phone number. If you would let me call him right now, I could get his address.
Q. That's okay. 12:35:45
A. I have a phone number for him. Visually I know it's on Fiji Drive.
Q. Can you state his phone number, please?
A. Yes, of course. You should have his information because he received a lot of paperwork 12:36:08 from you guys, from the law firm. Phone number is (310) 804-9487.
Q. Thank you.
A. That's mobile number I use to call, and his work number I don't remember. 12:36:29
Q. That's sufficient, thanks. Are you aware Zachary Katz also sued Citibank?
A. No. We went together. We file with him, how you call it, small claim court, we went to small claim court and came a couple times, and after that 12:36:48

we did not communicate, but I told him I would have deposition today and he told me if you need to speak to him, he is available. That's what I was told.
Q. So when was the last time you spoke with Zachary Katz? 12:37:05
A. This morning.
Q. What did you discuss?
A. We discussed how cold is it today and after that I told him I have a deposition with you guys and he said he is available, feel free to call, "if you 12:37:18 need me," he said, "I'm available for assistance."
Q. Did you discuss what your testimony would be about today?
A. No.
Q. Have you ever discussed this case with 12:37:31 Zachary Katz?
A. We file together as I said the small claim court. We went there and it went the George told me, he obviously told me I would rule in your favor, but Citibank took your case into different court and 12:37:49 nothing they can do, and then I didn't know how to handle it technically because lack of I don't know, technicality of trial and legal stuff, that's why I start looking online and how do I find the counsel, James Kelly. 12:38:08

Q. Did you ever discuss with Zachary Katz whether you received the client manual when you opened your account at Citibank?
A. No, I didn't discuss it, no. We didn't speak about it. 12:38:24
Q. Why did you choose to open your account in person?
A. I didn't know there was any other way to open an account besides physical. I didn't know such option exist besides to come into the bank. I still 12:38:36 believe now that you have to be present. That's why I open it in person.
Q. Was anyone other than Zachary Katz with you the day that you opened the account?
A. No. 12:38:51
Q. Prior to account 2010 when you opened your account, had you ever been to Citibank's Marina Del Rey branch before?
A. No.
Q. Do you know who Bertram Hirsch is, he is 12:39:17 another plaintiff in this action?
A. Who?
Q. Bertram Hirsch.
A. I read this name but I don't know who.
Q. Have you ever spoken with him? 12:39:27

A. Never.
Q. Prior to filing the lawsuit, did you know who Mr. Hirsch was?
A. No.
Q. When you first walked into the branch of 12:39:41 the Marina Del Rey branch in October 2010 to open your accounts, who did you speak with?
A. I think his name is Zubair. I have his business card. Zubair. I'm not sure if it's a first or last name but I call him Zubair and I guess it was 12:40:03 okay. My friend, Mr. Katz call him the same way.
Q. It's his last name. Did you speak with a teller before speaking with Mr. Zubair?
A. No.
Q. When you approached Mr. Zubair, what did 12:40:18 you say?
A. Actually I called him and schedule an appointment. I call him and he said you are welcome to come in, and my friend said we would come into the branch to confirm I get the same type of account as 12:40:31 he had.
Q. So then when you went into the branch, what did you and Mr. Zubair discuss?
A. Nothing. He told me open an account, thank you for coming, and he like to meet me and he said we 12:40:49

would like to have you as a customer in Citibank and I'll open, it's the same account as your friend did and I ask him detail as far as like monthly fees, and he told me there is going to be none, and I said what should I do in order to get mileage, and he said you 12:41:04 have to use ATM card, and how to use it. I don't use an ATM card at all and he explained to me how to do it and that was it.
Q. Let's just take a step back. Did Mr. Zubair take any of your personal information 12:41:19 down?
A. Actually, I remember that I gave him my driver's license and he looked in his computer and he said, "I have you in the system, because in the past I had credit cards with Citibank, I'm sure I had like 12:41:35 long time ago, line of credit eight, nine, ten years ago with Citibank, so I guess they have the same system. They must have. He must know who I am. My address didn't change for last nine years.
Q. Did you need to provide him with your 12:41:52 social security number, anything like that?
A. Yes, he asked me for my social. He asked me certain things put into the system like address 330.
Q. So he asked you for your driver's license, your social security number and your address, 12:42:12

correct?
A. Right.
Q. Did he ask you for any other information?
A. I think, I don't remember if he personally asked me or asked me over the phone, the information 12:42:21 of my American airline, how is it called, mileage account number, so where the miles supposed to go to. I don't remember this part even he asked me which stage they asked me for this account, but I definitely was asked because they asked me where to 12:42:38 forward the bonus miles and I gave him my American Airline account information.
Q. Did you provide him with any other information than the information we've discussed so far? 12:42:50
A. My address, my social, like I said, my driver's license information, I guess that's it. I don't remember if he asked me for second type of I.D. or not. Sometimes bank ask for, but I do bank with many banks so I don't remember. 12:43:05
Q. You don't remember, okay.
A. Probably he asked for I have with me several cards which could be taken as a second identity. As a second identification.
Q. Did anyone other than Mr. Zubair assist you 12:43:19

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when you were at the Citibank branch --
A. No, not at that time, no.
MR. KELLY: Let her finish.
THE WITNESS: I'm sorry.
BY MS. PONEK: 12:43:43
Q. It will be an interesting transcript when we're talking over each other.
When you were opening your account, where in the branch were you sitting?
A. Next to Mr. Zubair's desk. He has like a 12:43:54 table and I sit in front of him, my friend Zach Katz is like Mr. Kelly is sitting right now, in the same position.
Q. Approximately how long did it take you to open that account? 12:44:09
A. It wasn't long, it was 15, 20 minutes.
Q. Did Mr. Zubair ask you any questions while you were opening the account?
A. Why, I don't remember that, he was appreciate that I open an account and bringing them 12:44:41 more business.
Q. You stated earlier that you asked Mr. Zubair questions such as how to use an ATM card, how many times you had to use your ATM card, and whether you would be charged a fee for opening the 12:44:56

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accounts; is that correct?
A. I asked him how many times should I use ATM card in order to be qualified for this promotion. He told me it's very important to use certain amount, probably six times within the month period in order 12:45:13 to do it, and I asked him is ATM card charge fees or something like that, because I did not use it in the past.
Q. Did you ask Mr. Zubair any other questions?
A. Ask him when I would receive my bonus miles 12:45:29 and how long should I keep my money in a bank, and because some banks they charge you penalty if you withdraw funds, and I said I would open it as long as it benefit you and me and I won't be penalized for closing if I don't like it for any reason, or if I 12:45:48 want to move funds for different use.
Q. Did you ask him any other questions other than the ones you've already stated?
A. No, I just ask him when my miles would be deposited into my accounts. Ask him on savings 12:46:05 account what interest it would earn and it was relatively low, but it was okay.
Q. Did you ask him any other questions?
A. Not that I can remember right now.
Q. So after Mr. Zubair took down your personal 12:46:27

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information in the computer, what happened next?
A. I wrote the check. I had the check with me and I asked him how I was make it payable to and I think it was two checks. I don't remember, I think one for thousand dollars. I don't remember, it was 12:46:43 two items, I believe, if I'm correct.
Q. Earlier we entered as an exhibit, Exhibit 36, and the second page of that exhibit is the signature card. Did you write the check before or after you signed the signature card? 12:47:05
A. I cannot tell you that right now, I don't remember. I don't remember what was -- what comes first.
Q. You stated earlier this is your signature?
A. Yes, it is my signature, looks like my 12:47:29 signature.
Q. Do you remember signing this signature card?
A. In a bank you always sign a signature card for opening account. It's standard procedure, I 12:47:38 guess.
Q. I'm asking something just a little bit different. Do you have a specific recollection about actually signing this Citibank signature card?
A. As I told you I have accounts in numerous 12:47:54

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banks and every time I open an account, they ask me to sign the card, and I guess it was Citibank I have an account in five or six banks at the same time and some of them have couple accounts, several accounts, so I guess it was one of them and that's all I could 12:48:13 say.
Q. I'm asking something just a little bit different. I understand that you realize that there's a process when you open a new account at a bank that you typically sign a signature card? 12:48:24
A. Yes, always.
Q. So I'm asking you if you have a specific recollection of signing this actual signature card at Citibank?
A. It's a copy. If you would bring original 12:48:33 card, maybe I would say for sure, but I can't tell you right now, it's three years since then. Of course I signed the signature card. Was it this card? Because like I said I have numerous account for Citibank. Maybe this card from my CD which I 12:48:48 opened at Citibank as well. I have a CD currently.
MR. KELLY: Maybe you can rephrase and ask him does he recall Mr. Zubair presenting him a signature card or this signature card and him signing it. 12:49:05

BY MS. PONEK:

Q. That's a great question.

A. Yes.

Q. Do you recall him presenting you a signature card and signing it? 12:49:09

A. Yes, exactly.

Q. Do you recall when in the process you signed the signature card? I know before you stated you weren't sure if you wrote out the checks to open the accounts or if your received the signature card 12:49:24 first, but do you recall when you received the signature card?

A. I can't tell what come first, what come second. It happen like the same time, like you write a check. 12:49:37

Q. When you were given a signature card to sign, did Mr. Zubair say anything to you?

A. He just said you have to sign here and sign here. It's a signature card.

Q. Did he say anything else that you recall? 12:49:51

A. No, I knew it's a signature card, you have to sign it.

Q. Did you ask any questions about the signature card before signing it?

A. No, I did not. 12:50:04

Q. Did you ask any questions after signing the signature card?

A. About signature card no questions were asked, because as far as I know, it's a standard banking procedure. 12:50:14

Q. Do you see there is a box at the top of the signature card that says "name signer" and your name is in there, Igor Romanov?

A. Yes.

Q. And then underneath it there is a sentence 12:50:28 that says "by signing below, I, one, certify my tax status; two, agree to be bound by any agreement governing any account opened in title indicated in this card." Do you see that?

A. Right now I could see it, yes. 12:50:43

Q. Did you ever ask anyone about this statement on the signature card?

A. No.

Q. Either before signing it or after signing it? 12:50:58

A. No.

Q. Did you ever ask about the agreement that's referenced in this sentence in the signature card?

A. No, I did not. I would have to receive any type of agreement. All I know I put my social 12:51:10

security number because I earned an interest on savings account and I should receive it, usually I receive from all banks interest for the money earned with the bank, tax form for the interest I earned.

Q. Did you ask anyone if you received the 12:51:28 agreement?

MR. KELLY: Objection, it doesn't state that there is an actual agreement in that sentence. It states any agreement, which could be read that there is no agreement. 12:51:39

BY MS. PONEK:

Q. Let me rephrase the question. Did you ever ask about the agreement referenced in the signature card?

A. No, I did not ask. 12:51:48

Q. Did you ask what it was?

A. No, I did not ask because I was under impression that it was a bank employee telling me, it's still an explanation of what's going to happen. He is representative of Citibank basically. I told 12:52:05 to not Mr. Zubair, Citibank.

Q. You stated earlier that you received a receipt for account opening after you opened the accounts, correct?

A. Yes, I think so. 12:52:19

Q. And you received or signed the signature card; is that correct?

A. Yes, I did.

Q. Were you shown any other documents during the account opening process? 12:52:27

A. No.

Q. Did you receive any folder that had any documents in it?

A. No.

Q. Were you provided with any documents at any 12:52:49 time during the account opening process, other than the signature card and the account receipt?

A. No.

Q. Did you think it was weird that you weren't handed any other documents while you were opening 12:53:23 the account?

A. No, I did not because they already had me in the system as a customer. That's why I was pretty sure they have all information they need and they provided me everything I need to know. 12:53:36

Q. You stated earlier that you had several accounts open at different banks during this time; is that correct?

A. Yes.

Q. When you opened those accounts, did you 12:53:45

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receive any documents while opening those accounts?
A. Sometimes they give you like new customers, they give you like a folder, large side folder with some information, a contract, similar to this type of client manual when you open, but if it's existing 12:54:01 customer, not as I remember. If it's a business account, obviously I was given different information and I received also business type of like a brochure, something from a bank, but if it's a personal checking account, like for instance I have it in 12:54:21 Union Bank, I have a CD and I have -- not CD but money market, personal, different type of checking account in order to avoid bank fees you have to have certain amount of accounts and hold certain amount of money there, and I received it initially when I 12:54:35 opened new account.
Q. Prior to opening the accounts in October 2010 at Citibank, did you have any other Citibank accounts? And I'm not talking about credit cards, I'm talking about a checking or savings account at 12:54:56 Citibank?
A. I remember I had a checking account of some kind but I don't remember an exact date and I currently even have the CD with Citibank. I bought it for five years CD and mature date I think is next 12:55:11

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year, or this year, but I've been having it for around four years, I think. By the way, it was also open in October. I have at home records which indicates exact date when I opened the CD.
Q. Where do you store those records that show 12:55:31 when you opened the CD?
A. At home.
Q. Where in your house?
A. I have files --
MR. KELLY: Objection, this is outside I 12:55:41 believe --
THE WITNESS: You mean which place physically?
MR. KELLY: When I object -- I believe this is outside the discovery parameters set by 12:55:48 magistrate James Cott.
MS. PONEK: I'll move on.
Q. You stated that you received a receipt for the account opening when you opened the accounts at Citibank, correct? 12:56:02
A. Yes.
Q. Where did you put those documents?
A. In a pocket.
Q. And when you got home that day, did you store those documents anywhere? 12:56:14

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A. Yes, usually I do, I have like every month folder for tax purposes for next year, but for this particular case I didn't even need it because I wrote them by check, it's my receipt. It has double function as a monetary instrument, and it's a 12:56:35 receipt.
Q. So when you returned home from the bank that day, did you take the account opening receipt and store it in the monthly folder?
A. I believe so. I can't recall it right now 12:56:48 for sure where did I put the physical. It's where I put. Usually I put all my receipts in the same place, certain amount of time.
Q. Can you look at the document marked as Exhibit 37. Other than today, have you ever seen 12:57:31 this document before?
A. No. Maybe I saw it, but long time ago, I don't think so.
Q. Have you ever reviewed this document before today? 12:57:52
A. No, even today I do not remember it yet.
Q. Have you ever accessed Citibank's account, online account system? It's www.Citibank.on line.com. Have you ever accessed that website?
A. I don't think so. 12:58:15

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Q. You've never logged in to review your account?
A. No. I try not to do online banking. For security.
MR. KELLY: I'm going to mark as 12:58:38 Defendant's Exhibit 1 an account statement dated November 1 to November 30, 2010.
(The document referred to was marked by the reporter as Exhibit 1 for identification and is attached hereto). 12:58:52
MR. KELLY: I'm going to object to the entry of this exhibit as outside the parameters of Magistrate James Cott's order.
MS. PONEK: I understand your objection, but I'm going to continue. 12:59:06
Q. Have you ever seen this document before?
A. Yes, I receive by mail, it's a bank statement, yes.
Q. It's an account statement for your CitiGold account at Citibank, correct? 12:59:32
A. Right.
Q. Did you receive monthly account statements from Citibank?
A. By mail, yes.
Q. And did you review them? 12:59:42

A. Yes.
Q. What did you do with the statements after receiving them?
A. I put all my statements, I put in the folder and I hold it I think for five years my cousin told 12:59:59 me I have to keep them.
Q. On page 2 of this document in the section under fees and rate detail, there is a statement that says: "Please refer to your Client Manual and Marketplace Addendum Booklet and amendments for 01:00:26 details." Do you see that statement?
A. Where is it? Yes, I could see it right under $250,000.
Q. After receiving this statement, did you ever request a copy of the client manual -- 01:00:41
A. No, I did not.
Q. -- from Citibank. Did you ever request a copy of the Marketplace Addendum from Citibank?
A. No, I did not.
Q. Did you ever request a copy of the terms 01:00:50 and conditions governing your Citibank --
A. No, I did not.
MR. KELLY: I'm objecting to all these questions as they are in direct violation of Magistrate James Cott's order and Citibank's 01:01:03

representation on the record that they would not be pursuing an estoppel argument.
MS. PONEK: I'm going to mark as Defendant's Exhibit 2 the Declaration of Igor Romanov In Support of Plaintiff's Opposition to 01:01:45 Defendant's Motion to Compel Arbitration and Stay the Action dated April 12, 2012.
(The document referred to was marked by the reporter as Exhibit 2 for identification and is attached hereto) 01:02:11
BY MS. PONEK:
Q. Have you seen this document before?
A. I think I receive it by mail.
Q. What is this document?
A. I think I receive it from an attorney. I 01:02:27 don't know where it came from.
Q. Please turn to page 3. Is that your signature at the bottom of page 3?
A. Yes, it is mine.
Q. Paragraph 12 of this document on page 3 01:02:50 states, "I never received the Citibank Client Manual that Citibank refers to in its motion to compel arbitration." Do you see that?
A. Yes.
Q. Are you aware that Citibank's motion to 01:03:02

compel arbitration incorrectly referred to a client manual that was effective as of January 2010?
A. I never received, what is it? I don't understand what it says. I don't know what is motion to compel arbitration. 01:03:19
Q. Before you signed this document, did you review it?
A. Yes, I did, yes, but it's been couple years ago so it's hard for me.
Q. When you signed this document, did you 01:03:37 understand all of the statements that were in it?
A. Mostly I did. Maybe I just missed this part.
Q. Did you ever receive the client manual effective July 2010? 01:03:48
A. No. I just saying about the dates, that's what I'm confused you tell me 2003 or 2010, I cannot tell you something I don't recall.
Q. Your declaration does not refer to any document that you received from Citibank when you 01:04:15 opened your account; is that correct?
A. Yes.
Q. But you did receive an account opening receipt, correct?
A. Yes. 01:04:26

Q. And as you've testified, you don't believe you received any other documents when you opened your account?
A. Right.
Q. How do you know that you didn't receive any 01:04:40 other documents from Citibank when you opened your account?
A. I don't know how to answer the question how do I know that I did not receive a document. I don't know how to answer this question. 01:04:52
MR. KELLY: Objection.
BY MS. PONEK:
Q. You stated that you have monthly files that you maintain, correct?
A. Most of them, yes. All important documents 01:04:58 I hold.
Q. Have you checked your monthly files to see if you have any other documents from Citibank?
A. I'll check always monthly files before filing income taxes, in preparing, they then 01:05:11 preparing income tax and give it to my accountant.
Q. Did you check your files prior to signing this declaration to make sure that you didn't have any other documents from Citibank?
A. I can't recall the date, but I usually check 01:05:30

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my files with my documents before the tax file, which is before April 15, on usual occasion and I don't know whether was it exactly on April 10 or April 12, I cannot recall you the dates.
Q. So in April 2012, would you have reviewed 01:05:49 documents in your files from the year 2010?
A. Yes, most likely, by this time I would know the year before because I never filed on the last day. I always try to file like in the middle of tax season. 01:06:07
Q. Let me finish asking my question before you answer, okay. This declaration was signed in April 2012, correct?
A. April 12 actually.
Q. April 2012? 01:06:20
A. The one I have it says '12.
Q. And you opened your account in 2010, correct?
A. Yes.
Q. So in 2012 when you were reviewing your 01:06:35 files for tax purposes, would you have reviewed files for the year 2010?
A. No, I reviewed files for 2011 at this time.
Q. So when you signed this declaration, you did not review your files for the year 2010, 01:06:52

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correct?
A. For the year 2010, I requested my files in 2011 in the tax period before.
Q. Have you ever conducted a search, a review of your files specifically for this lawsuit? 01:07:04
A. No, because I don't have many documents, I don't have any documents, and there is nothing for me to review. I only had a lot of paperwork which you sent to me from your law firm, not you personally. I spoke over the phone once. I also have paper which I 01:07:24 file with the small claim court in City of Santa Monica.
Q. Did you keep any papers relating to your Citibank accounts?
A. I have a paper of my CD which I currently 01:07:56 have. And my credit card statement.
Q. Did you keep the account statements relating to Citibank accounts?
A. At the time --
MR. KELLY: Objection. Answer. 01:08:15
THE WITNESS: I'm sorry, he said something do I keep statements?
MS. PONEK: Could you read the question back.
(Record read) 01:08:35

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THE WITNESS: At the time, of course I did.
BY MS. PONEK:
Q. And you kept them in the monthly folders, correct?
A. Yes. 01:08:39
Q. Did you keep any disclosures relating to your Citibank account?
A. I would keep if I have. I don't have now.
Q. So, for instance, if a disclosure came in the mail with your account statement, and this is 01:08:53 just an example, would you keep those disclosures with your Citibank statements?
A. I usually keep my account, my statement, I keep in the folder in the same envelope as it comes in, so whatever is in there, usually. I just look at 01:09:07 it. If it's any promotion or any flyers, I usually put them there and I put it back in an envelope and keep it in a file.
Q. How long do you keep those papers in the files? 01:09:25
A. I think I have them for a long time. For long enough. I didn't trash them yet. I don't know if they have to have it like three for state or five for federal, I don't remember that. I have to call accountant to tell you because he told me that they 01:09:36

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have to keep them certain amount of time. I keep them in storage space.
Q. So you would still keep documents from 2010, you would still have those documents?
A. I think I do have them. 01:09:45
Q. Where do you keep those files? For instance --
A. In a special space.
Q. Are they in your house?
A. It's close to my space, to the space I live. 01:10:01
Q. So are they in a storage unit?
A. I have a storage unit as well.
Q. And is that where you keep the papers, for instance statements relating to your Citibank account? 01:10:15
A. All my paperwork I have a box for every year for company and personal, I have like two boxes and each of them has personal information and business information, because it's separate.
Q. So I'm just asking where the physical 01:10:26 location is?
A. Address?
Q. Yes. Address is fine.
A. It's in Beverly Hills, California.
Q. And is it at an office? 01:10:34

A. It's a room, half of this size and I keep all my things in there.
Q. Is it a storage unit?
A. It's in my building, I have special space where I keep my paperwork. 01:10:49
Q. What is the address where you keep those papers?
A. Where I live, at the same address as my residence address.
Q. Other than when you review your files for 01:11:09 tax purposes, do you access those files for any other reason?
A. If I look for certain type of transaction from credit card, something, but it's not usually happen for last couple of years, I have like 01:11:27 unauthorized transaction so I have to find it, I do not receive any check my mail or something like that.
Q. Does anyone else in your house have access to your files?
A. Nobody go into my files. 01:11:42
Q. Does anyone have access to the files?
A. Yes.
Q. Who has access?
A. Hypothetically people who clean my house, but they do not have access to my storage space. I 01:11:56

don't know. The person I live with, I don't know, whoever. It's not too many people.
Q. So who do you live with that would have access to your files?
MR. KELLY: Objection. 01:12:10
BY MS. PONEK:
Q. You can go ahead and answer.
A. Do I have to tell you who do I live with? I don't want to discuss that. It's my private matter.
MR. KELLY: I don't see what you're getting 01:12:22 at here with these questions.
MS. PONEK: I'm trying to figure out where he keeps his files that would be related to this case.
Q. You're not going to give me the name, but 01:12:32 anybody living with you would have access to your files; is that correct?
A. Theoretically, yes. Even you, you can get my key and get access to my house. Potentially have an access to my house. 01:12:48
Q. Are they --
A. Valet parking could potentially have access to my house because I left the key with him.
Q. Are they in a locked room?
A. The files? 01:13:01

Q. Uh-huh.
A. Yes, they are locked, yes.
Q. Do you know if anyone in your house ever threw away any papers relating to your Citibank account? 01:13:17
A. No, usually nobody takes my papers.
THE REPORTER: Could we take a quick break?
MR. KELLY: That's fine, off the record.
THE VIDEOGRAPHER: Going off the record at 1:13 p.m. 01:13:33
(Brief recess)
THE VIDEOGRAPHER: We're going back on the record at 1:24 p.m.
MS. PONEK: I'm going to mark as defendant's Exhibit 3, Defendant Citibank's First 01:24:40 Set of Request For Production of Documents dated December 5, 2013.
(The document referred to was marked by the reporter as Exhibit 3 for identification and is attached hereto) dated December 5, 2013. 01:24:59
BY MS. PONEK:
Q. Have you seen this document before?
A. Yes.
Q. When did you see it?
A. When I received it by mail. 01:25:14

Q. Do you know approximately when you received it by mail?
A. A couple of years ago, I think.
Q. It's dated December 5, 2013 so it would have been recently if you received it? 01:25:32
A. Maybe December 5, yes.
Q. Did you have in the month of December at some point, you received this document?
A. Yes, because I received so many of them, mostly you are the one who sent it to me. It was 01:25:54 like ten pounds. Mr. Katz said he is going recycle, price is more than he asked for in papers and copies and probably the cartridge cost was more, the nature of the claim.
Q. After December 5, 2013, did you undertake a 01:26:16 search for any documents relating to your accounts, your Citibank accounts?
A. Was I asked to look for it?
Q. Yes.
A. Yes, I received an e-mail from my attorney 01:26:27 that they have to have whatever I have with Citibank, whatever business relationship do I have with them, I have documents and, as of now, I have a CD as I mentioned, which was 5-year CD, which I opened also only about the same time, so it's mature date going 01:26:43

to be five years in October, I think end of the year, October, maybe September.
Q. I'm sorry, I wasn't very clear. I'm just asking if you looked for any documents relating to your checking and savings account that you opened at 01:26:56 Citibank in 2010?
A. There is nothing, documents, I wasn't asked for look for the statements you just show me similar to this one.
Q. Did you look back at your monthly files to 01:27:13 see if you had the account opening --
A. Not for 2010. I didn't look for files for 2010.
Q. So you haven't looked for any documents dated in 2010 relating to the Citibank accounts that 01:27:26 you opened?
A. No, I did not look for it as of now. I look only for statement I have. I looked for Citibank and know I have this only current account which I have a CD, there is nothing else. I have credit card, I 01:27:43 think.
Q. Did you look for any documents relating to your checking and savings accounts that you opened in 2010?
A. For 2010, no. 01:27:52

Q. If you can turn to page 4, please. Under request for production No. 1, it says: "All documents relating to the accounts," and let me just clarify. The accounts is defined as any account opened by you with Citibank, including but not 01:28:47 limited to the accounts -- basically your checking and savings account that you opened in 2010.
A. Yes, so what is your question?
Q. So in December 2013, since December 5, 2013, have you done a search for all of the 01:29:18 documents relating to your Citibank account?
A. I did not have time for it besides the CD.
Q. No. 4 states: "All requests for production, all contracts or agreements relating to the accounts, including any amendment or changes to 01:29:46 such contracts or agreements." Do you see that?
A. Yes, I could see it, No. 4.
Q. And again, you didn't --
A. I don't have any. I don't have any contract because I haven't reached any. 01:29:56
Q. But you did say you receive monthly statements --
A. Monthly statement, yes, yes.
Q. And that you stored those monthly statements and any documents that were sent with the 01:30:06

monthly statements in your files, correct?
A. Yes, but in my understanding in contract, just my understanding of laws, it's statement is not a contract to an agreement.
MR. KELLY: For the record, Citibank also 01:30:25 has all these statements in their own possession.
MS. PONEK: We can discuss that afterwards. I don't think it's necessary to discuss it in the deposition.
I don't have any further questions. We are 01:30:43 going to enter into the same stipulation. The original transcript will be sent to our offices -- I'm sorry, will be sent to you, and you will send it to Mr. Romanov for his review and signature. He'll return it within 30 days, and we also waive your 01:31:02 obligation to keep the original transcript.
THE REPORTER: Do you stipulate to what she said?
MR. KELLY: Yes.
THE VIDEOGRAPHER: We're off the record at 01:31:19 1:30 p.m. and this concludes the testimony given by Igor Romanov. The total number of media used was one and will be retained by Veritext, LLC.
(The deposition was concluded at 1:30 p.m.)

DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the state of California that the foregoing is true and correct.

executed on the _____ day of _______________ 2014, at ___________________________, California.

____
WITNESS

I, GINA M. CLOUD, a certified shorthand reporter for the State of California, do hereby certify:

that prior to being examined, the witness named in the foregoing deposition, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth pursuant to Section No. 2093 of the Code of Civil Procedure;

That said deposition was taken before me pursuant to notice, at the time and place therein set forth, and was taken down by me in shorthand and thereafter reduced to typewriting via computer-aided transcription under my direction;

I further certify that I am neither counsel for, nor related to, any party to said action, nor in anywise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this ____ day of ____________, 2014.

____
GINA M. CLOUD
CSR No. 6315

ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Hirsch, Bertram Et Al v. Citibank, NA
DATE OF DEPOSITION: 1/9/2014
WITNESSES' NAME:

PAGE	LINE (S)	CHANGE	REASON

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THIS ___ DAY OF __________, 20__.

____________ ________________
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